

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

TRACY KRONTZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CAUSE NO.: 1:07-CV-303-TS
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff Tracy Krontz appeals the Commissioner's final decision denying her application for disability insurance benefits. On April 18, 2008, the Commissioner filed a Motion to Dismiss with Prejudice arguing that the Plaintiff's complaint for judicial review was not timely filed. The Court referred this matter to Magistrate Judge Cosbey for a report and recommendation on March 26, 2008. On May 22, 2008, Magistrate Judge Cosbey filed his Report and Recommendation recommending that the Commissioner's motion to dismiss be denied.

This Court's review of the Magistrate's Report and Recommendation is governed by 28 U.S.C. § 636(b)(1)(C) which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate. The judge may also receive further evidence or recommit the matter to the magistrate with instructions.

The statute requires objections to the Magistrate's Report and Recommendations to be made within ten days of service of a copy of the Report. *Id.*; *see also* Fed. R. Civ. P. 72(b) (setting forth procedures for objecting to a magistrate's report and recommendation and the

district court's resolution of any objections). The Commissioner has not objected to the Report and Recommendation.

Having reviewed the Report and Recommendation prepared by the magistrate, the Court ADOPTS the Report and Recommendation [DE 25] and ACCEPTS the recommended disposition. Accordingly, the Commissioner's motion to dismiss [DE 17] is DENIED.

SO ORDERED on June 20, 2008.

s/ Theresa L. Springmann  
THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT